THE HONOURABLE SRI JUSTICLE J. CHELAMESWAR
AND
THE HONOURABLE SRI JUSTICE D. APPA RAO

W.P. NO. 21940 of 2006

Dated: 10 -11-2006

Between:-

Nemsingh

...

PETITIONER.

And

The Commissioner of Police, Hyderabad and another.

...

RESPONDENTS

THE HONOURABLE SRI JUSTICLE J. CHELAMESWAR
AND
THE HONOURABLE SRI JUSTICE D. APPA RAO

W.P. NO. 21940 of 2006

O R D E R (per Hon'ble Sri Justice D. Appa Rao)

The petitioner, a friend of the detenus Hansraj, Deepa Ram and Beemsingh, seeks issuance of a writ of Habeas Corpus for their production.

2) The case of the petitioner is that the detenus are engaged in the business of selling mobile accessories in Shanthinagar, Dilshuknagar, Hyderabad. While so on 13.10.2006, the Station House Officer, Sultan Bazar, Hyderabad came to their business premises and took them away without assigning any reason and he kept them in illegal custody and beaten up. In spite of issuing telegrams, the police did not release them. Therefore he sought for production of the detenus.

3) The 2nd respondent the Station House Officer filed counter denying the allegations made in the petition. He denied that the detenus were illegally confined from 13.10.2006. In fact they are very well moving and attending their day-to-day work. Earlier, when A.P. State Human Rights Commission, Hyderabad sought a report, on the telegram received by it making similar allegations, the Deputy Commissioner of Police, East Zone, Hyderabad had categorically mentioned that the detenus were not required, and that there was no case pending against them. Since, he never arrested them, the

question of their producing will not arise. Therefore, he prayed for dismissal of the Writ Petition.

4) On 6.11.2006, when the matter was taken up, the detenus were present in the Court. No doubt, they made a statement that they were taken into custody on 13.10.2006 at 9.30 p.m. and kept at Sultan Bazaar Police Station till 26.10.2006 and they were beaten up on suspicion that they have received stolen property, particularly, Cell Phones.

5) Heard the learned counsel for the petitioner and the learned Advocate General.

6) Admittedly, the detenus are not in the custody of the police. They themselves came to the Court. The respondents have categorically stated that no case was registered against them. Since the very arrest was disputed, we do not see any purpose to go into the said question, more so, in view of the fact that they are free and moving. Nothing sustains in this Writ Petition.

7) The Writ Petition is dismissed. No costs.

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J.

CHELAMESWAR,J

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D. APPA

RAO,J

10th November 2006.

BCS